

*SC NAACP v. Alexander,*  
D.S.C. Case No. 3:21-cv-03302-MGL-TJH-RMG

# Exhibit 22

Page 1

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
COLUMBIA DIVISION

THE SOUTH CAROLINA STATE CONFERENCE  
OF THE NAACP, et al.

Plaintiffs Case No.  
ALEXANDER et al. 3:21-CV-03302-JMC-  
TJH-RMG

## Defendants

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VIDEOCONFERENCE DEPOSITION OF WALLACE H. JORDAN

## Columbia, South Carolina

Wednesday, April 13, 2022

10:03 a.m.

10:03 a.m.

Reported by: Danielle E. Lawrence

1 that racially polarized voting mattered to your work on  
2 the Redistricting Committee?

3 A. I would also point you back again to the public  
4 hearings across the state, and we heard testimony from  
5 individuals, I believe, from different groups, including  
6 the NAACP, that spoke up on that particular concern and  
7 we listened and -- or at least I listened -- and took  
8 heed that we needed to -- going back to my overarching  
9 idea -- we needed to hear from everyone and take into  
10 consideration what we were told.

11 Q. Based on that testimony, do you recall any  
12 requests to conduct a racially polarized voting analysis  
13 from members of the public?

14 A. I don't recall, but that doesn't mean that it  
15 didn't happen. I just don't recall. Again, that was --  
16 sometime back, now, it definitely factored into the  
17 process, but it was some time back, and it was over ten  
18 different stops across the entire state of South  
19 Carolina.

20 Q. And my last line of questions about your  
21 employment that is liking taking you from what you would

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UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
COLUMBIA DIVISION

## THE SOUTH CAROLINA STATE CONFERENCE OF

THE NAACP, et al.,

**Plaintiffs,**

**VS.**

CASE NO. 3:21-cv-03302-MBS  
TJH-RMG

THOMAS C. ALEXANDER, et al.,

Defendant.

VTC

DEPOSITION OF: WALLACE HERBERT JORDAN, JR.  
VOLUME II - Pages 225 through 444  
(Appearing by VTC)

DATE: July 21, 2022

TIME: 10:03 a.m.

LOCATION:                   Nexsen Pruet Law Firm  
                                 1230 Main Street, 7th Floor  
  
TAKEN BY:                   Counsel for the Plaintiffs  
  
REPORTED BY:                Susan M. Valsecchi, CRR  
                                  Registered Professional Reporter  
                                 (Appearing by VTC)

1       highly correlated?

2           A.    When you say highly correlated, do you  
3       mean in number, or in -- if you don't mind, further  
4       explain that question.

5           Q.    In numbers, to the extent you know.

6           A.    Um, any number I would give you would  
7       be a pure guess. I would imagine it would connect  
8       to where you are in the state and other points of  
9       data as well.

10          Q.    Do other legislators hold a similar  
11       view that race and party are correlated in South  
12       Carolina?

13          A.    You mean to the degree I -- I can't  
14       really speak for what every other legislator would  
15       think. I mean, it's a pretty well-known documented  
16       concept. To that degree, yes.

17          Q.    For congressional redistricting, did  
18       you at all prioritize maximizing partisanship  
19       considerations in the drawing or creation of any  
20       maps?

21          A.    No.

22          Q.    Do you think that there's a risk of, if  
23       you're maximizing partisanship considerations, that  
24       it might inadvertently disproportionately impact  
25       black voters in South Carolina?

1           A. I think that's a natural risk to every  
2           person in South Carolina, not necessarily  
3           disproportionate to any one group of people, but to  
4           everyone.

5           Q. Why didn't you consider maximizing  
6           partisanship a criteria for redistricting?

7           A. I don't think we considered maximizing  
8           partisanship as a criteria.

9           Q. Sorry, I was asking why didn't you  
10          consider that.

11          A. Oh, why didn't?

12           You know, we adopted a set of criteria  
13           that is, in my mind, the tried-and-true criteria  
14           for not just South Carolina redistricting this  
15           time, but in the past as well.

16           And I believe -- again, I'm not an  
17          expert on this -- but I believe that there's value  
18          in that, both in legal precedence and in the way  
19          we've done it correctly in the past.

20          Q. Would you have any concerns if you  
21          found out that the Senate's map prioritized  
22          partisanship over other redistricting criteria?

23          A. I would hope and assume that the Senate  
24          used, as we did, an appropriate path and process to  
25          arrive at the product they came up with. As to

1       questions: Why is it important to publish criteria  
2       like this for members of the public?

3           A. I think it sets out, you know, how we  
4       go about completing the process of redistricting so  
5       that the public understands there is in fact a  
6       process and the variables that we look at in  
7       completing that process.

8           Q. What are the transparency benefits to  
9       having a set of criteria that, as attested to,  
10       guides the work of the Ad Hoc Committee when  
11       they're creating or assessing maps?

12           A. Well, I mean, there are many benefits  
13       to transparency and just off -- in this respect, I  
14       mean, we had many, many public hearings where the  
15       public was given the opportunity to come in and  
16       give their opinion as to this process.

17           And so providing them, you know, this  
18       information I think is -- was helpful in them  
19       participating in that process.

20           Q. Is it helpful to provide this criteria  
21       for people who want to draw maps or submit maps?

22           A. Yes, I would think so.

23           Q. And then if a map did not comply with  
24       the criteria, what would your position be, if it  
25       failed to meet -- to meet some of the core top four

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1       that flew in the face of the previously established  
2       criteria made available to the public, that  
3       wouldn't be appropriate in my mind.

4           Q.    What if there was criteria that was  
5       developed and not known to members of the public  
6       that impacted the ability to draw certain districts  
7       from being touched?

8                   And I can be more specific on that one.  
9       I just realized that might not be helpful.

10                  If there was a criteria, for example,  
11       that was being relied upon to not touch  
12       Congressional District 5 but only the body  
13       responsible for the maps knew that and didn't  
14       disclose it to members of the public, would that be  
15       a concern for you as an elected official?

16                  A.    Yes.

17                  Q.    Would it also be a concern if that  
18       wasn't even shared with other elected officials in  
19       the same body?

20                  A.    Well, when you say to not touch a  
21       particular district, you know, I think as part of  
22       the process of redistricting you have to be able to  
23       consider wherever the road of the criteria takes  
24       you.

25                          But I guess, in connection to -- or in

1 little bit before. This was the one that the  
2 Senate staff plan served as the basis of, but I'm  
3 not sure if you want to go -- maybe we can go off  
4 record for a moment, actually.

5 (A brief recess was held.)

6 BY MR. CUSICK:

7                   Q.     So Chair Jordan, just before we went  
8     off for break, I mentioned I wanted to talk about  
9     the House Staff Plan Alternative 1 which was  
10    created after the December 16th hearing.

11 Do you recall that map?

12 A. Yes.

13 (EXHIBIT 12, Congressional House Staff  
14 Plan Alternative 1, was marked for  
15 identification.)

16 BY MR. CUSICK:

17 Q. And I will bring it up in just one  
18 moment. This should be Tab 5 of your binder. This  
19 will be Plaintiff's Exhibit 12. It's the  
20 Congressional House Staff Plan Alternative 1 which  
21 was posted officially on the redistricting  
22 committee's website December 23rd, 2021. And I  
23 will pull it up on the screen too.

24 And, Chair Jordan, if I refer to it as,  
25 like, Alternative 1, or the alternative plan, you

1 will understand what I'm referring to?

2 A. Yes.

3 Q. Can you see it okay now?

4 A. Yes, that's much better than the  
5 hardcopy.

6 Q. Yeah, and so could you walk me through  
7 who was involved in the creation of this map?

8 A. So it's the same people essentially  
9 that were involved in creating the first staff  
10 plan.

11 I think I referenced earlier, as a  
12 result of once we produced the original staff plan,  
13 we received a fair amount of criticism, especially  
14 from the folks in the Beaufort area, and I think  
15 that necessitated, as much as anything, to create  
16 an alternative that you see here that was at least  
17 something else for the committee, something  
18 different for the Ad Hoc Committee to consider.

19 You know, at this point when it was  
20 rolled out, it certainly wasn't necessarily what we  
21 were going to adopt, but it was certainly something  
22 we could look at and consider.

23 Q. So just so I have everybody in my mind  
24 of who was involved, it's Mr. Dennis, Mr. Hauger,  
25 and you?

1           A. Yes, for purposes of creation it went  
2           through a similar plan. I'm guessing that other  
3           members of the team, so to speak, you know, would  
4           have seen it, reviewed it, perhaps; but, again,  
5           this is, as you see here, very much akin to the  
6           Senate's plan.

7           Q. And so I can't remember, have you  
8           reviewed Mr. Hauger's deposition transcript in this  
9           case?

10          A. I looked at it, yes.

11          Q. Do you recall his testimony saying that  
12           this map was created in a single session, in the  
13           map room?

14          A. I don't. I don't. I don't recall  
15           that.

16          Q. Okay.

17          A. I mean, I'm not saying that didn't  
18           happen. I take your word for that, that that's his  
19           testimony.

20          Q. I don't want to, you know, take  
21           anything for granted. I guess I can ask this  
22           question: Were you involved with Mr. Hauger in  
23           drawing this map in the map room?

24          A. I think I did come in the map room for  
25           a little bit during the creation of this; you know,

1 my thoughts on this, as I talked to Mr. Dennis and  
2 Mr. Hauger, were, again, we needed an alternative  
3 option for the committee to consider, having  
4 received the input that we had received, could we  
5 not take the Senate version, and, working off of  
6 it, create an alternative that perhaps was more in  
7 line with it and therefore providing the Ad Hoc  
8 Committee sort of a spectrum to consider.

9 Q. And so you made that suggestion, or  
10 ask, to Mr. Dennis at some point after the December  
11 16th hearing?

12 A. Correct.

13 Q. Did you at all seek any recommendations  
14 or input from any other Ad Hoc Committee members  
15 before your conversation with Mr. Dennis?

16 A. I don't recall if I did or not.

17 Q. And then the mechanics behind it are,  
18 at some point, you're in the map room; is that  
19 right?

20 A. Yes.

21 Q. And Mr. Hauger is there?

22 A. Yes, he would have been there, yes.

23 Q. Ms. Dean?

24 A. Um, Ms. Dean could have been in and out  
25 of the room, yes.

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1 Q. Mr. Dennis?

2 A. Definitely.

3 Q. Anyone else outside of those three  
4 individuals and you?

5 A. At that time, I don't think so.

6 Mr. Hauger may have had one or two of his  
7 assistants in the room. I can't remember for  
8 certain.

9 Q. And so either you or Mr. Dennis asked  
10 Mr. Hauger to pull up the Senate map?

11 A. Correct. I think they were already  
12 into that process when I showed up.

13 Q. So Mr. Dennis and Mr. Hauger were  
14 working on the map before you got there?

15 A. I believe that's correct.

16 Q. And so was the map created in one  
17 sitting?

18 A. Honestly, I don't remember a hundred  
19 percent. It's definitely possible that that's the  
20 case. Again, since we were working off of the  
21 Senate plan essentially, that's definitely  
22 possible.

23 Q. And so you go to the map room, you  
24 make -- this map makes changes to the Senate ones,  
25 correct?

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1 therefore, you know, not be something that South  
2 Carolinians as a whole can be proud of.

3 Q. And in order to ensure a map is not  
4 racially biased, who did you rely on to make that  
5 determination?

6 A. I mean, again, I think you bring your  
7 own set of knowledge and understanding to the table  
8 and then you rely on other members of your team,  
9 members of the Ad Hoc Committee. I mean, you know,  
10 everyone's participation in this process is  
11 important.

12 Q. I know we talked earlier about partisan  
13 considerations. Was maintaining a 6:1 Republican  
14 advantage in congress at all a criteria factor for  
15 the Ad Hoc Committee in creation of this map?

16 A. No.

17 Q. What about the term "core retention"?

18 A. I would put core retention, you know,  
19 with some of the other technical terminology we've  
20 used today; I have a layman's opinion of it but I'm  
21 not a technical expert.

22 Q. Is the term core retention mentioned at  
23 all in the redistricting criteria?

24 A. I don't believe so.

25 Q. I think you mentioned Ms. Dean would

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1 A. Yes.

2 MR. CUSICK: And so I will pull that  
3 up. This is Tab 3. It will be Plaintiff's  
4 Exhibit 16. It's a transcribed copy of the  
5 January 12th, 2022 House floor debate that  
6 was created by a court reporter.

7 (EXHIBIT 16, Video transcription of  
8 January 12, 2022 House proceedings, was  
9 marked for identification.)

10 BY MR. CUSICK:

11 Q. Can you see that okay, Chair Jordan?

12 A. Yes.

13 Q. I'm going to go to Page 15. I guess  
14 it's probably easier just to confirm for a moment  
15 just to show that where you're -- where your  
16 remarks begin.

17 And so do you see here, just on Page 6,  
18 Representative Jordan, that your remarks begin?

19 A. Yes.

20 Q. And then again there's a break but they  
21 pick back up on Page 7. So I'm scrolling to Page  
22 15. And do you see that portion I just highlighted  
23 for Lines 1 through 7?

24 A. Yes.

25 Q. And we've already talked about

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1        maintaining county boundaries when possible was not  
2        explicitly included in the criteria, correct?

3            A. That's -- that's correct.

4            Q. And there's nothing in the criteria  
5        explicitly that smaller counties should be  
6        maintained when possible?

7            A. Also correct.

8            Q. And so why didn't you mention any of  
9        these considerations when you were presenting the  
10       map on December 29th to the public?

11           A. I don't know, I didn't -- I don't have  
12       a reason why I particularly left it out. As I look  
13       at -- you know, so at this stage, this is laying  
14       out the plan now before the full House of  
15       Representatives. And the hope is, you know, that  
16       the majority of the members of the House will adopt  
17       the plan, or vote for the plan.

18           I can tell you my opinion is this is  
19       information that I think, while it might not be  
20       expressly part of the criteria, is information that  
21       I think a majority of members would believe to  
22       be -- add value to the plan.

23           Q. Would it at all come as a surprise if  
24       the transcript showed this was the first time you  
25       explicitly mentioned these considerations during

1       trying to answer the question to the best of my  
2       ability. And I guess I carried some of my previous  
3       knowledge through the committee process,  
4       specifically with Representative Bernstein's  
5       questions, that I gave that answer.

6           Q.    But I guess, as even just a step back,  
7       why was it important for you to emphasize that  
8       partisan groups were not involved in the drafting?

9           A.    I guess because the question had come  
10       up a couple times and therefore I felt like it  
11       was -- needed to be part of the answer.

12           Q.    And why do you think it was beneficial  
13       to not have partisan groups involved in the  
14       drafting of the plan?

15           A.    To me, it's always made more sense, you  
16       know, as members of the General Assembly, we are  
17       tasked with the responsibility of completing  
18       redistricting.

19           Now, certainly we'll take input, as we  
20       did in this process, through various organizations,  
21       but ultimately the responsibility falls to the  
22       General Assembly.

23           And it's not a partisan task; it's  
24       a statewide process, that we didn't necessarily  
25       need any help from a partisan group.

1 litigation?

2 A. I had not heard of that organization  
3 until this litigation.

4 Q. So you had not heard of -- you did not  
5 learn of that organization during the process  
6 itself but rather during the litigation brought by  
7 NAACP and Taiwan Scott, correct?

8 A. That's correct.

9 Q. I believe there's a text message that  
10 you produced from Sylleste Davis that references  
11 Gary Simrill.

12 Did Gary Simrill have anything to do  
13 with the congressional redistricting plan, or was  
14 that text in reference to the House redistricting?

15 A. I believe that text was in reference to  
16 the House redistricting. I base that on the  
17 timeline and my recollection.

18 Q. Okay. We talked about how the public  
19 input is actually part of the criteria. Was there  
20 any hidden criteria or guidelines?

21 A. No.

22 Q. Did you make any effort to withhold any  
23 information from the public?

24 A. No.

25 Q. You referenced today that you had a